

114TH CONGRESS
1ST SESSION

H. R. 1917

To amend the Trade Act of 1974 to establish congressional procedures for the termination of economically harmful free trade agreements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2015

Mr. LIPINSKI (for himself, Mr. NOLAN, Mr. DEFAZIO, Mr. McGOVERN, Ms. DELAURO, Mr. TONKO, Mr. HIGGINS, and Mr. CONYERS) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Trade Act of 1974 to establish congressional procedures for the termination of economically harmful free trade agreements, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Truth, Transparency,
5 Accountability, and Fairness in Trade Act”.

1 **SEC. 2. REPORTING.**

2 Section 163(c) of the Trade Act of 1974 (19 U.S.C.
3 2213(c)) is amended to read as follows:

4 “(c) ITC REPORTS.—The United States Inter-
5 national Trade Commission and the Secretary of Labor
6 shall submit to the Congress, not later than February
7 15th of each year, a joint report on the operation of the
8 trade agreements program during the preceding calendar
9 year. The report shall include, with respect to each free
10 trade agreement in effect on December 31st of the pre-
11 ceding calendar year, the following:

12 “(1)(A) The exports, during the preceding cal-
13 endar year, from the United States to the other
14 countries that are parties to the free trade agree-
15 ment, and the imports, during the preceding cal-
16 endar year, from those other countries to the United
17 States, of goods and services covered by the agree-
18 ment, by volume, by industry sector, by commodity,
19 and by State, that are attributable to the free trade
20 agreement or a section, chapter, or other portion of
21 such trade agreement.

22 “(B) A comparison of the export and import
23 data reported under subparagraph (A) for the pre-
24 ceding calendar year, with such data for the lesser
25 of—

1 “(i) the period of 4 calendar years ending
2 on the day before the first day of such pre-
3 ceding calendar year; or

4 “(ii) the number of calendar years, occur-
5 ring before such preceding calendar year, in
6 which the agreement has been in effect.

7 “(2) A comparison of the export and import
8 data reported under subparagraphs (A) and (B)
9 with any forecasts made by the United States Trade
10 Representative, before the implementation of the
11 free trade agreement, with respect to such export or
12 import data for the calendar years with respect to
13 which the data is reported.

14 “(3)(A) The number of applications filed, dur-
15 ing the preceding calendar year, for adjustment as-
16 sistance for workers and firms under title II of this
17 Act, the number of such applications that were ap-
18 proved, and the extent to which adjustment assist-
19 ance has been provided under such approved applica-
20 tions, as a result of the free trade agreement, na-
21 tionwide, in each State, and by industry.

22 “(B) A comparison of the data reported under
23 subparagraph (A) for the preceding calendar year,
24 with such data for the lesser of—

1 “(i) the period of 4 calendar years ending
2 on the day before the first day of such pre-
3 ceding calendar year; or
4 “(ii) the number of calendar years, occur-
5 ring before such preceding calendar year, in
6 which the agreement has been in effect.”.

7 **SEC. 3. TERMINATION OF AGREEMENTS OR PORTIONS
8 THEREOF.**

9 Section 125 of the Trade Act of 1974 (19 U.S.C.
10 2135) is amended by adding at the end the following:

11 “(g) TERMINATION OF AGREEMENTS OR PORTIONS
12 THEREOF.—

13 “(1) IN GENERAL.—A free trade agreement, or
14 a section, chapter, or other portion of such trade
15 agreement in the case of a trade agreement that
16 provides for the termination of sections, chapters, or
17 other portions of the trade agreement in accordance
18 with section 5 of the Truth, Transparency, Account-
19 ability, and Fairness in Trade Act, shall cease to be
20 effective with respect to the United States if—

21 “(A) annual reports submitted under sec-
22 tion 163(c) with respect to the trade agreement
23 show—

24 “(i) export disruption, which means
25 declining exports from the United States

1 to, and rising imports into the United
2 States from, a country that is party to the
3 trade agreement—

4 “(I) in 3 consecutive calendar
5 years, or

6 “(II) in 3 calendar years during
7 a consecutive 5-calendar year period,
8 overall or for a specific commodity or in-
9 dustry, as a result of the free trade agree-
10 ment, or a section, chapter, or other por-
11 tion of such trade agreement, as deter-
12 mined by the Comptroller General of the
13 United States;

14 “(ii) labor disruption, which means an
15 increase of 5 percent or more in the num-
16 ber of applications for adjustment assist-
17 ance for workers and firms under title II
18 of this Act—

19 “(I) in each of 3 consecutive cal-
20 endar years, or

21 “(II) in each of 3 calendar years
22 during a consecutive 5-calendar year
23 period,

24 as a result of the free trade agreement, or
25 a section, chapter, or other portion of such

1 trade agreement, overall or with respect to
2 a specific good or industry, as determined
3 by the Comptroller General of the United
4 States; or

5 “(iii) trade balance disruption, which
6 means an increase of 5 percent or more in
7 the trade deficit of the United States in
8 goods with respect to a country that is a
9 party to the free trade agreement—

10 “(I) in each of 3 consecutive cal-
11 endar years, or

12 “(II) in each of 3 calendar years
13 during a consecutive 5-calendar year
14 period,

15 as a result of the free trade agreement, or
16 a section, chapter, or other portion of such
17 trade agreement, as determined by the
18 Comptroller General of the United States;
19 and

20 “(B) a termination bill with respect to
21 such free trade agreement or a section, chapter,
22 or other portion of such trade agreement, as
23 the case may be, relating to export disruption,
24 labor disruption, or trade balance disruption de-

1 scribed in clause (i), (ii), or (iii) of subparagraph (A), is enacted into law.

3 “(2) TIME LINES.—The Comptroller General
4 shall, not later than 30 days after any annual report
5 under section 163(c) is submitted to Congress with
6 respect to a free trade agreement, make and submit
7 to Congress a determination of whether or not ex-
8 port, labor, or trade balance disruption described in
9 paragraph (1) has occurred with respect to that free
10 trade agreement.

11 “(h) CONGRESSIONAL TERMINATION AUTHORITY
12 AND PROCEDURES.—

13 “(1) RULES OF HOUSE OF REPRESENTATIVES
14 AND SENATE.—This section is enacted by the Con-
15 gress—

16 “(A) as an exercise of the rulemaking
17 power of the House of Representatives and the
18 Senate, respectively, and as such they are
19 deemed a part of the rules of each House, re-
20 spectively, but applicable only with respect to
21 the procedure to be followed in that House in
22 the case of termination bill described in sub-
23 section (i), and they supersede other rules only
24 to the extent that they are inconsistent there-
25 with; and

1 “(B) with full recognition of the constitu-
2 tional right of either House to change the rules
3 (so far as relating to that House) at any time,
4 in the same manner and to the same extent as
5 in the case of any other rule of that House.

6 “(2) INTRODUCTION AND REFERRAL.—A termi-
7 nation bill introduced in the House or the Senate
8 with respect to a free trade agreement for which a
9 determination of export disruption, labor disruption,
10 or trade balance disruption has been received under
11 subsection (g)(1) shall be referred by the Presiding
12 Officers of the respective Houses to the appropriate
13 committee, or in the case of a bill containing provi-
14 sions within the jurisdictions of two or more commit-
15 tees, jointly to such committees for consideration of
16 those provisions within their jurisdiction.

17 “(3) AMENDMENTS PROHIBITED.—No amend-
18 ment to a termination bill shall be in order in either
19 the House of Representatives or the Senate; and no
20 motion to suspend the application of this subsection
21 shall be in order in either House, nor shall it be in
22 order in either House for the Presiding Officer to
23 entertain a request to suspend the application of this
24 subsection by unanimous consent.

1 “(4) PERIOD FOR COMMITTEE AND FLOOR CON-
2 SIDERATION.—

3 “(A) Except as provided in paragraph (2),
4 if the committee or committees of either House
5 to which a termination bill has been referred
6 have not reported it at the close of the 45th day
7 after its introduction, such committee or com-
8 mittees shall be automatically discharged from
9 further consideration of the termination bill and
10 it shall be placed on the appropriate calendar.

11 A vote on final passage of the termination bill
12 shall be taken in each House on or before the
13 close of the 15th day after the termination bill
14 is reported by the committee or committees of
15 that House to which it was referred, or after
16 such committee or committees have been dis-
17 charged from further consideration of the ter-
18 mination bill. If prior to the passage by one
19 House of a termination bill of that House, that
20 House receives the same termination bill from
21 the other House, then—

22 “(i) the procedure in that House shall
23 be the same as if no termination bill had
24 been received from the other House; but

1 “(ii) the vote on final passage shall be
2 on the termination bill of the other House.

3 “(B) For purposes of subparagraph (A), in
4 computing a number of days in either House,
5 there shall be excluded any day on which that
6 House is not in session.

7 “(5) FLOOR CONSIDERATION IN THE HOUSE OF
8 REPRESENTATIVES.—

9 “(A) A motion in the House of Represent-
10 atives to proceed to the consideration of a ter-
11 mination bill shall be highly privileged and not
12 debatable. An amendment to the motion shall
13 not be in order, nor shall it be in order to move
14 to reconsider the vote by which the motion is
15 agreed to or disagreed to.

16 “(B) Debate in the House of Representa-
17 tives on a termination bill be limited to not
18 more than 20 hours, which shall be divided
19 equally between those favoring and those oppos-
20 ing the termination bill. A motion to further
21 limit debate shall not be debatable. It shall not
22 be in order to move to recommit a termination
23 bill or to move to reconsider the vote by which
24 a termination bill is agreed to or disagreed to.

1 “(C) Motions to postpone, made in the
2 House of Representatives with respect to the
3 consideration of a termination bill, and motions
4 to proceed to the consideration of other busi-
5 ness, shall be decided without debate.

6 “(D) All appeals from the decisions of the
7 Chair relating to the application of the Rules of
8 the House of Representatives to the procedure
9 relating to a termination bill shall be decided
10 without debate.

11 “(E) Except to the extent specifically pro-
12 vided in the preceding provisions of this sub-
13 section, consideration of a termination bill shall
14 be governed by the Rules of the House of Rep-
15 resentatives applicable to other bills and resolu-
16 tions in similar circumstances.

17 “(6) FLOOR CONSIDERATION IN THE SEN-
18 ATE.—

19 “(A) A motion in the Senate to proceed to
20 the consideration of a termination bill shall be
21 privileged and not debatable. An amendment to
22 the motion shall not be in order to move to re-
23 consider the vote by which the motion is agreed
24 to or disagreed to.

1 “(B) Debate in the Senate on a termina-
2 tion bill, and all debatable motions and ap-
3 peals in connection therewith, shall be limited
4 to not more than 20 hours. The time shall be
5 equally divided between, and controlled by, the
6 majority leader and the minority leader or their
7 designees.

8 “(C) Debate in the Senate on any debat-
9 able motion or appeal in connection with a ter-
10 mination bill shall be limited to not more than
11 1 hour, to be equally divided between, and con-
12 trolled by, the mover and the manager of the
13 bill, except that in the event the manager of the
14 bill is in favor of any such motion or appeal,
15 the time in opposition thereto shall be con-
16 trolled by the minority leader or his or her des-
17 ignee. Such leaders, or either of them, may,
18 from time under their control on the passage of
19 a termination bill allot additional time to any
20 Senator during the consideration of any debat-
21 able motion or appeal.

22 “(D) A motion in the Senate to further
23 limit debate is not debatable. A motion to re-
24 commit a termination bill is not in order.

1 “(E) Consideration in the Senate of any
2 veto message with respect to a termination bill,
3 including consideration of all debatable motions
4 and appeals in connection therewith, shall be
5 limited to 10 hours, to be equally divided be-
6 tween, and controlled by, the majority leader
7 and the minority leader or their designee.

8 “(i) DEFINITION.—For purposes of this section, the
9 term ‘termination bill’ means only a bill of either House
10 of Congress that is introduced under subsection (h) with
11 respect to a free trade agreement, or a section, chapter,
12 or other portion of such trade agreement, with respect to
13 which a determination by the Comptroller General of ex-
14 port disruption, labor disruption, or trade balance disrup-
15 tion has been received under subsection (g)(1) and that
16 contains—

17 “(1) a provision terminating, within 6 months
18 after the date of the enactment of the bill, such free
19 trade agreement, or section, chapter, or other por-
20 tion of such trade agreement, with respect to specific
21 goods or industries, to the extent that the deter-
22 mination of the Comptroller General applies only to
23 such goods or industries; and

24 “(2) if changes in existing laws or new statu-
25 tory authorities are required to cancel such free

1 trade agreement or section, chapter, or other portion
2 of such trade agreement, and with respect to such
3 goods or industries, provisions necessary or appro-
4 priate to terminate such free trade agreement or sec-
5 tion, chapter, or other portion of such trade agree-
6 ment, by repealing or amending existing laws or pro-
7 viding new statutory authority.

8 “(j) FUTURE NEGOTIATIONS.—If a termination bill
9 with respect to a free trade agreement, or a section, chap-
10 ter, or other portion of such trade agreement, is enacted
11 into law, then trade authorities procedures, or any other
12 form of expedited consideration by either House of Con-
13 gress, shall not apply to a free trade agreement, or section,
14 chapter, or other portion of such trade agreement, that
15 is renegotiated in substantially the same form as the free
16 trade agreement, or section, chapter, or other portion of
17 such trade agreement, that led to the determination of ex-
18 port disruption, labor disruption, or trade balance disrup-
19 tion under subsection (g)(1) with respect to which the ter-
20 mination bill was enacted.”.

21 **SEC. 4. RETALIATORY ACTIONS.**

22 Section 301(a)(1) of the Trade Act of 1974 (19
23 U.S.C. 2411(a)(1)) is amended—
24 (1) in subparagraph (A), by striking “or” after
25 the semicolon;

1 (2) in subparagraph (B)(ii), by adding “or”
2 after the semicolon; and

3 (3) by inserting after subparagraph (B) the fol-
4 lowing:

5 “(C) a country that is a party to a free
6 trade agreement with respect to which a termi-
7 nation bill under section 125(g) has been en-
8 acted into law has implemented a tariff or non-
9 tariff barrier by reason of such termination
10 bill;”.

11 **SEC. 5. SEVERABILITY REQUIREMENT.**

12 The United States Trade Representative shall ensure
13 that any free trade agreement entered into on or after the
14 date of the enactment of this Act is negotiated in a form
15 that provides for the termination with respect to the
16 United States of specific sections, chapters, or other por-
17 tions of the agreement.

